

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

4:23CV3099

vs.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

MEMORANDUM AND ORDER

This matter is before the Court sua sponte for case management. Pursuant to the Court's October 20, 2023, Memorandum and Order (the "October 20 Order"), the Court performed an initial review of Plaintiff's complaint to determine whether summary dismissal was appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#), and, found that it was. [Filing No. 20 at 1](#). However, in lieu of dismissal the Court granted Plaintiff 30 days in which to file an amended complaint that clearly states a claim or claims upon which relief may be granted including jurisdictional allegations. *Id.* Plaintiff was warned that failure to file an amended complaint consistent with the October 20 Order would result in dismissal of his case without prejudice and without further notice. [Id. at 7](#).

In lieu of filing an amended complaint, on October 26, 2023, Plaintiff appealed the October 20 Order to the Eighth Circuit. [Filing No. 21](#). The Eighth Circuit issued a judgment dismissing the appeal for lack of jurisdiction on December 5, 2023, [Filing No. 27](#).

As Plaintiff's appeal was dismissed, to progress the case the Court now sua sponte resets the deadlines for Plaintiff to comply with the October 20 Order.

IT IS THEREFORE ORDERED:

1. Plaintiff shall have until 30 days from the date of this Memorandum and Order to file an amended complaint that clearly states a claim or claims upon which relief may be granted including jurisdictional allegations as set forth in this Court's October 20 Order. See [Filing No. 20](#). If Plaintiff fails to file an amended complaint, this matter will be dismissed without prejudice and without further notice.

2. The Court reserves the right to conduct further review of Plaintiff's claims pursuant to [28 U.S.C. § 1915\(e\)\(2\)](#), in the event he files an amended complaint.

3. The Clerk's Office is directed to terminate the prior pro se management deadline of "November 20, 2023: Check for amended complaint" in the October 20 Order, [Filing No. 20](#), and set a pro se case management deadline in this case using the following text: **January 16, 2024**: Check for amended complaint.

Dated this 14th day of December, 2023.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Court